

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**APRIL 10, 2007**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, April 10, 2007.

Mayor Warmington opened the meeting with a prayer from Pastor Gerald Wahr from the McGrath Memorial Congregational Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioner Lawrence Spataro, Sue Wierengo, Chris Carter, Kevin Davis, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

#### **2007-31 CONSENT AGENDA:**

##### **A. Approval of Minutes.** CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, March 27<sup>th</sup>.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Resolution for Charitable Gaming License.** CITY CLERK

SUMMARY OF REQUEST: Hackley Visiting Nurse Services and Hospice is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

##### **C. Aggregates, Highway Maintenance Materials and Concrete.** PUBLIC

## WORKS

SUMMARY OF REQUEST: Award bid to supply H1 and H2 limestone chip blend to Verplank Trucking Company, PO Box 8, Ferrysburg, MI 49409

Award bid to supply road slag to Verplank Trucking Company, PO Box 8, Ferrysburg, MI 49409

Award bid to supply Sylvax patching material (CP-6 alternative) to Rieth-Riley Construction Co., PO Box 278, Ada, MI 49301

Award bid for crack sealant to Lakeshore PLM Services, 6818 Harvey St., Spring Lake, MI 49456

Award bid to supply bituminous asphalt product to Asphalt Paving, Inc., 1000 E. Sherman Boulevard, Muskegon, MI 49444-0190

Award bid to supply Calcium Chloride 38% (road brine) and 32% (winter salting) to Liquid Dustlayer, Inc., PO Box 188, Manistee, MI 49660

Award bid to supply screened top soil to Verplank Trucking Company, PO Box 8, Ferrysburg, MI 49409

Award bid to supply 2NS sand to Verplank Trucking Company, PO Box 8, Ferrysburg, MI 49409

Award bid to supply 7-sack mix concrete to Port City Redi-Mix Company, 1780 Sheridan Road, Muskegon, MI 49442; contingent upon product availability, timely deliveries, and prices as quoted.

FINANCIAL IMPACT: \$167,700 based on 2006 quantities at 2007 quotes.

BUDGET ACTION REQUIRED: None; funds appropriated in several budgets.

**D. Approval of the Use and Maintenance of City Owned Property at 1264 & 1270 Terrace Street and 177 & 185 E. Isabella Avenue for a Garden by McLaughlin Neighborhood Association.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the use and maintenance of the City owned property located at 1264 & 1270 Terrace Street and 177 & 185 E. Isabella Avenue for a community garden. The properties are contiguous and together create two buildable lots. The City would retain the right to sell the property with the McLaughlin Neighborhood Association having time to remove the garden prior to any sales. McLaughlin Neighborhood Association has proposed a vegetable garden with flowers. The neighborhood residents will be involved in the garden and the maintenance. All gardening tools will be stored off site. There will be no permanent structures on the site. The Neighborhood Association has committed to maintaining the garden. The McLaughlin Neighborhood Association President resides across the street at 1291 Terrace Street.

FINANCIAL IMPACT: None. By having the maintenance agreement with the

McLaughlin Neighborhood Association, the City would not need to maintain the property while the garden is at the location.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and maintenance agreement.

**Motion by Commissioner Carter, second by Commissioner Davis to approve the Consent Agenda as presented.**

**ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis**

**Nays: None**

**MOTION PASSES**

**2007-32 PUBLIC HEARINGS:**

**A. Spreading of the Special Assessment Roll for Fifth Street, Merrill to Muskegon. ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Fifth Street from Merrill to Muskegon, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$46,432 would be spread against the 20 parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened to hear and consider any comments from the public. No public comments were heard.

**Motion by Commissioner Carter, second by Commissioner Shepherd to close the Public Hearing and approve the spreading of the special assessment roll for Fifth Street, Merrill to Muskegon.**

**ROLL VOTE: Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, and Wierengo**

**Nays: None**

**MOTION PASSES**

**B. Spreading of the Special Assessment Roll for Fifth Street, Muskegon to Western. ENGINEERING**

SUMMARY REQUEST: To hold a public hearing on the spreading of the special assessment for Fifth Street from Muskegon to Western, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$33,440 would be spread against the 17 parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened to hear and consider any comments from the public. No public comments were heard.

**Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing and approve the special assessment roll for Fifth Street, Muskegon to Western.**

**ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro**

**Nays: None**

***MOTION PASSES***

**2007-33 NEW BUSINESS:**

**A. 2007-2008 Community Development Block Grant/HOME Partnership Program Allocations. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: For the City Commission to make their final allocation decision concerning the 2007-2008 Community Development Block Grant/HOME Partnership Program allocation for this coming fiscal year.

The Commission has received the recommendation from the Citizen's District Council and the City Administration. The Commission made their preliminary recommendations during the March 13, 2007 City Commission meeting.

After receiving the Commission's final allocation decision, the Community & Neighborhood Services office will amend the City's 2007-2008 Action Plan if needed and continue the comment period until April 17, 2007. At that time the Community and Neighborhood Services staff will request the United States Department of Housing and Urban Development for the Release of Funds for the 2007-2008 fiscal year to begin June 1, 2007.

FINANCIAL IMPACT: The decision will determine how the Community Development Block Grant/HOME Partnership Program funding will be allocated for the 2007-2008 fiscal year.

BUDGET ACTION REQUIRED: The Commission's action will establish the fiscal year's budget.

STAFF RECOMMENDATION: The Commission previously received the administration recommendations.

COMMITTEE RECOMMENDATION: The Commission also received the Citizen District Council recommendations.

**Motion by Commissioner Carter, second by Commissioner Wierengo to approve the preliminary recommendation as final.**

**ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron**

**Nays: None**

**MOTION PASSES**

**B. Approval of the 2007-2008 Action Plan. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: To approve the 2007-2008 Action Plan for the City of Muskegon Community Development Block Grant/HOME Partnership Program activity. If the Action Plan is approved, the Community & Neighborhood Services office will continue the comment period of the Action Plan as amended-if needed until April 17, 2007.

On or after April 17, 2007, the Community and Neighborhood Services office will deliver the Action Plan to the United States Department of Housing and Urban Development as required in order to request the Release of Funds for the 2007-2008 fiscal year.

FINANCIAL IMPACT: Action Plan establishes the 2007-2008 Community Development and HOME budgets.

BUDGET ACTION REQUIRED: None at this time, budget established by Action Plan.

STAFF RECOMMENDATION: To approved the Action Plan as is or as amended.

COMMITTEE RECOMMENDATION: The Commission received both their Citizen District Council and the Administration recommendations.

**Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the 2007-2008 Action Plan.**

**ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter**

**Nays: None**

**MOTION PASSES**

**C. First Quarter 2007 Budget Reforecast. FINANCE**

SUMMARY OF REQUEST: At this time staff is transmitting the *First Quarter 2007 Budget Reforecast* which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated economic conditions, or other factors. For the next meeting, an action item will be placed on the agenda for adoption of the budget reforecast together with any additional changes deemed necessary by Commissioners.

FINANCIAL IMPACT: The most significant change is an anticipated 10%

reduction in state shared revenues. Although the Governor's original budget package held revenue sharing funds at present levels, it now appears likely that some significant cut will be made. The impact to the general fund will be about \$462,000. At this time, staff believes other positive factors may help offset much of the state-shared revenue loss and recommends delaying specific action until more information is known in the second quarter. These factors include: 1) continued stronger than expected income tax collections which may allow us to raise this revenue estimate, 2) lower than budgeted pension contributions as result of completing the move to MERS and, 3) continued effective internal control of position vacancies and overtime.

Aside from state revenue sharing, the other significant changes to the 2007 budget included in the first quarter reforecast are in the area of capital improvements. Most of these changes reflect reallocation of costs between years for multi-year projects (e.g. fire station, Western Avenue enhancements) or new projects spurred by the availability of grant funding (Major Street traffic signal work on Laketon and at Marquette/Harvey).

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: The City Commission should review the *Reforecast* to ensure it reflects their policy initiatives. At the next City Commission meeting, staff will request formal approval of the *Reforecast* and related budget amendments.

**Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the first quarter 2007 budget *Reforecast* and related budget amendments.**

**ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington**

**Nays: None**

#### ***MOTION PASSES***

#### **D. Muskegon Summer Celebration. ASSISTANT CITY MANAGER**

SUMMARY OF REQUEST: 2007's request is consistent with 2006's, there are no significant changes.

FINANCIAL IMPACT: Request that rental fees be waived for any equipment used.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Leisure Services Board approved this event at their March 19<sup>th</sup> meeting.

**Motion by Commissioner Shepherd, second by Commissioner Spataro to approve Muskegon Summer Celebration's request.**

**ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd**

**Nays: None**

***MOTION PASSES***

**E. Special Events – Pop-A-Top Request to be Grandfathered.** ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Pop-A-Top, a local tavern, is requesting to be grandfathered into the Special Events/Special Alcohol License Policy. Their "My Cops/Make A Wish" fundraiser has been hosted annually for nine (9) years on the third (3) weekend of July.

There are currently six (6) grandfathered events, with one being inactive over the past few years, Steak N' Blues Fest.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: This request was approved by the Leisure Services Board at their March 19<sup>th</sup> meeting.

**Motion by Commissioner Carter, second by Commissioner Wierengo to approve Pop-A-Top's request to be grandfathered into the Special Events/Special Alcohol License Policy.**

**ROLL VOTE: Ayes: Wierengo**

**Nays: Gawron, Shepherd, Spataro, Warmington, Carter, and Davis**

***MOTION FAILS***

**Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the request for a temporary license for Pop-A-Top.**

**ROLL VOTE: Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, and Wierengo**

**Nays: None**

***MOTION PASSES***

**F. Special Event Liquor License Request - The Muskegon Yacht Club.** ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: The Muskegon Yacht Club is requesting an extension of their current liquor license to be able to host the Queens Cup Sailing Regatta on June 30, 2007. (Summer Celebration holds the first License)

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Leisure Services Board approved this event at their March 19<sup>th</sup> meeting.

**Motion by Vice Mayor Gawron, second by Commissioner Davis to grant the**

extension of their current liquor license.

**ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro**

**Nays: None**

***MOTION PASSES***

**G. Special Event Liquor License Request - Mike's Inn, June 28<sup>th</sup> thru July 8<sup>th</sup>, 2007.** ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Mike's Inn (555 W. Western Ave.) is requesting an extension of their liquor license to be able to host an outside entertainment area in their lot. (Summer Celebration holds the first liquor license.)

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

**Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the extension of their liquor license.**

**ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron**

**Nays: None**

***MOTION PASSES***

**H. Special Event Liquor License Request - The Muskegon Chronicle.** ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: The Muskegon Chronicle is requesting a temporary liquor license to be able to serve spirits at their 150<sup>th</sup> anniversary celebration. Spirits will only be served on Friday, May 18, 2007. (Fiesta! Sabor Latino event is on May 18<sup>th</sup> and 19<sup>th</sup> at Hackley Park.)

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Leisure Services Board approved this event at their March 19<sup>th</sup> meeting.

**Motion by Commissioner Spataro, second by Commissioner Shepherd to approve The Muskegon Chronicle's request for a temporary liquor license at no charge.**

**ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter**

**Nays: None**

***MOTION PASSES***

**I. Muskegon Bike Time Events, Inc., July 20<sup>th</sup> thru July 22<sup>nd</sup>, 2007.**



ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Approval of Muskegon Bike Time Events, Inc., request.

FINANCIAL IMPACT: Request that equipment rental fees be waived in exchange they will provide an equal monetary value of the rental costs in Muskegon Bike Time concert tickets.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Leisure Services Board approved this event at their March 19<sup>th</sup> meeting.

**Motion by Commissioner Carter, second by Commissioner Davis to approve the request from Muskegon Bike Time Events, Inc.**

**ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington**

**Nays: None**

***MOTION PASSES***

**J. State Budget Crisis Resolution: CITY CLERK**

SUMMARY OF REQUEST: To approve the State Budget Crisis Resolution.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

**Motion by Commissioner Carter, second by Commissioner Shepherd to approve the State Budget Crisis Resolution.**

**ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd**

**Nays: None**

***MOTION PASSES***

**ADJOURNMENT:** The City Commission Meeting adjourned at 6:05 p.m.

Respectfully submitted,

Ann Marie Becker, MMC  
City Clerk